

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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Acuity A Mutual Insurance Company,

Case No. 2:23-cv-01366-RFB-DJA

Plaintiff,

Order

V.

NAB LLC dba NAB Nail Salon dba NAB Nail Bar, a Nevada limited liability company; Asia Trinh, an individual; Nicole Brown, an individual; et al.,

Defendants.

This matter is before the Court on Defendants' motion to extend time to retain counsel. (ECF No. 22). On December 12, 2023, the Court entered an order requiring Defendant NAB LLC dba NAB Nail Salon dba NAB Nail Bar to retain counsel on or before January 11, 2024. (ECF No. 17). That order informed Defendants that “[f]ailure to comply with this order will result in a recommendation for default to the district judge.” (*Id.*).

On January 5, 2024, Defendants filed a motion to extend time to retain counsel, which included what purports to be Defendants' Federal Rule of Civil Procedure 26(a) initial disclosures. (ECF No. 22). That motion explains that Defendants need additional time to retain counsel because their business is open seven days a week so they must close down the business to attempt and meet the deadline. (*Id.* at 2). Plaintiff responds that the Court has already granted Defendants multiple extensions and that it should not now grant Defendants the instant extension. (ECF No. 24).

The Court finds that Defendants have demonstrated good cause to extend the deadline for them to find counsel for thirty more days. *See* Fed. R. Civ. P. 6(b); *see* LR IA 6-1(a). Although Plaintiff objects to the extension, Plaintiff does not assert that it will suffer any prejudice if the Court grants an extension. The Court thus grants Defendants' motion in part to the extent it

1 requests additional time to find counsel. The Court also reminds Defendants that initial
2 disclosures under Federal Rule of Civil Procedure 26(a)(1) must not be filed until they are used in
3 the proceeding or the court orders filing. *See* Fed. R. Civ. P. 5(d)(1)(A); *see* Local Rule 26-7.

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5 **IT IS THEREFORE ORDERED** that Defendants' motion for extension of time (ECF
6 No. 22) is **granted in part**. It is granted regarding Defendants' request to extend time to retain
7 an attorney. It is denied in all other respects. NAB LLC dba NAB Nail Salon dba NAB Nail Bar
8 must retain counsel on or before **February 22, 2024**. NAB must either file a status report
9 regarding its retention of counsel, or NAB's counsel must file a notice of appearance, on or
10 before **February 22, 2024**. **Failure to comply with this order will result in a recommendation**
11 **for default to the district judge.**

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13 DATED: January 23, 2024

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DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE